

Sunset Public Hearing Questions for
State Energy Policy Council
Created by Section 68-204-101, *Tennessee Code Annotated*
(Sunset Termination June 2020)

Enabling Statute, Purpose, and Rules and Regulations

1. Provide a brief overview of the State Energy Policy Council, including information about the council's creation, statutory duties, administrative attachment, and staff.

The council was created by Public Chapter 458 (2017) to advise and make recommendations to the Governor and General Assembly on securing, developing, and managing energy resources in the state and region and to serve as the central energy policy planning body of the state. The council is attached to the Comptroller's Office for administrative purposes. The council's statutory duties, outlined in TCA 68-204-103 include:

- producing an annual assessment of Tennessee's energy sector,
- producing an annual state energy policy plan,
- reviewing and coordinating all state government research, education, and management programs relating to energy matters,
- educating and informing the public regarding energy matters, and
- engaging in discussions with federal government agencies to identify opportunities to increase domestic energy supply within the state.

The council has no staff. The enacting statute provides that the council's annual assessment of the state's energy sector is to be facilitated by the Howard H. Baker Jr. Center for Public Policy at the University of Tennessee, and an interagency agreement between the State Energy Policy Council and the University of Tennessee was approved by both parties in October, 2019 to detail work to be conducted by and payments made to the Baker Center on behalf of the council.

2. Has the council promulgated rules and regulations? If yes, please cite the reference.

No, the council has not promulgated rules and regulations.

Council Organization

3. Provide a list of council members. For each member, please indicate who appointed the member, statutory member representation, the beginning and end of the member's term, and whether the member is serving a consecutive term.

Please see the attached list of council members with their terms and statutory representation. Note that terms of four members have elapsed. State law (TCA 68-204-

105) requires that each member, upon expiration of his or her term, shall continue to hold office until a successor is appointed.

4. Are there any vacancies on the council? If so, please indicate how long the position has been vacant and explain steps that have been taken to fill any vacancies.

There are technically no vacancies on the council because members whose terms have expired are continuing to serve until their successor is appointed. As noted above, the terms of four members have elapsed.

5. How many times did the council meet in 2019? How many members were present at each meeting? Please note meetings where the council did not have a quorum.

The council has met three times to date in calendar year 2019 and has a fourth meeting scheduled on Dec. 12, 2019. A quorum was met at all meetings held to date. Additionally, the council held two informational webinars for members to hear presentations by various energy experts.

Financial Information

6. What were the council's revenues and expenditure in 2019?

The Comptroller's Office was appropriated a recurring budget amount of \$72,000 for the council in FY 2018-19. For that year, the council had \$0 in revenues and \$1,628 in total expenses.

7. Section 68-204-109, *Tennessee Code Annotated*, created a special account in the state treasury known as the Energy Policy Development Resource Fund. The Comptroller of the Treasury is authorized to disburse funds to the council for the development of a comprehensive state energy policy plan and to offset administrative expenses. Has the council requested any fund disbursements? If yes, please provide additional information about each request.

All council expenditures are paid out of the special account, established and administered by the Comptroller's Office. In FY 2019, \$1,373.13 was spent on travel reimbursements for council members, and another \$254.87 was spent for council lunches during working meetings.

8. What per diem or travel reimbursements do council members receive? How much was paid to council members in 2019?

Council members do not receive per diems. Council members receive travel reimbursements as outlined under the Department of Finance and Administration Department Head and Board Member Travel Reimbursement Rate Schedule, as of Oct.

1, 2018 (https://www.tn.gov/content/dam/tn/finance/documents/fa_policies/policy8.pdf). In FY 2019, \$1,373.13 was paid in travel reimbursements.

Sunshine Law, Public Meetings, and Conflict of Interest Policies

9. Is the council subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the council have for informing the public of meetings and making minutes available to the public?

Yes, the council is subject to the Sunshine law requirements. The council posts digital notices of its meetings on its website (<https://www.comptroller.tn.gov/boards/sepc.html>) and the State of Tennessee's meeting website (<https://www.tn.gov/meetings.html>). Physical notice is also posted in the Cordell Hull Building and at the actual site of the meeting, typically the Baker Center at the UT Knoxville campus.

10. Does the council allow for public comment at meetings? Is prior notice required for public comment to be heard? If public comment is not allowed, how does the council obtain feedback from the public and those they regulate?

The council does not require prior notice for public comment and does not have a specific process for public comment. The council's meetings are open to the public, and if someone wishes to make comments, they could request permission from the chair. The council does not regulate any parties; its duties center on developing policy plans and recommendations.

11. Does the council have policies to address potential conflict of interest by council members, employees, or other state employees who work with the council?

Each council member has been asked to complete a conflict of interest form as required by the statute. The Comptroller's Office has these statements on file. To date, 13 of the 14 conflict of interest statements have been completed and returned. (The one statement outstanding is from a member who has not attended any meetings and whose term has expired.)

12. Does the council have a website? If so, please provide the web address. What kind of public information is available on the website?

The council's webpage is hosted on the Comptroller's website: <https://www.comptroller.tn.gov/boards/sepc.html>. The website includes council members' names and statutory representation, upcoming meeting dates, past meeting dates, minutes, and various materials presented at meetings.

Reports, Major Accomplishments, and Proposed Legislative Changes

13. What reports has the council prepared concerning its activities, operations, and accomplishments? Who receives copies of these reports? Please provide a link to any such reports issued in 2019.

The council will shortly be releasing its white paper, which serves as the FY 2019 annual report and as the framework for developing the comprehensive state energy plan. By law (TCA 68-204-108), the council's reports are to be transmitted to the Governor and the Speakers of the House and Senate.

14. What were the council's major accomplishments in 2019?

The council's major accomplishment has been development of a white paper, setting the framework for building a comprehensive state plan and specific policy recommendations.

15. Please describe any items related to the council that require legislative attention and your proposed legislative changes.

No legislative changes needed at this time.

16. Should the council be continued? To what extent and in what ways would the absence of the council affect the public health, safety, or welfare of the citizens of Tennessee?

In order to fulfill its purpose of developing a comprehensive state energy policy plan, the council should be continued. As one of only two states in the country without an established energy policy, Tennessee may not be as prepared as other states to address shifting energy needs and resources or developing energy sector opportunities.

At the request of the Chairman of the House Government Operations Committee, all agencies that provide responses to questions as part of the Q&A process should also provide the following information.

17. Identification of the appropriate agency representative or representatives possessing substantial knowledge and understanding of the responses provided to the sunset review questions.

Joe Hoagland, Chair, State Energy Policy Council
Linda Wesson, Comptroller's Office

18. Identification of the appropriate agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

Joe Hoagland, Chair, State Energy Policy Council

19. Office address, telephone number, and email address of the agency representative or representatives who will respond to the questions at the scheduled sunset hearing.

Joe Hoagland, 865-632-3574, jjhoagland@tva.gov

TVA – Enterprise Relations and Innovation

400 West Summit Hill Drive, WT 9D

Knoxville, TN 37902

STATE ENERGY POLICY COUNCIL MEMBERSHIP

Council Members	Appointing Authority and Statutory Representation under TCA 68-204-104	Term <i>(previous terms are noted)</i>
CHAIR: Joe Hoagland Tennessee Valley Authority	<u>Speaker of House</u> -- (a)(3)(B) TVA -- appointment as member. <u>Governor</u> appoints chair for one-year terms.	as Member: July 18, 2017 -- June 30, 2019 as Chair: Nov. 1, 2018 – June 30, 2019
Dale Barnett Tennessee Poultry Association	<u>Governor</u> -- (a)(2)(B) Commercial, Industrial, or Agricultural energy consumer	July 1, 2018 – June 30, 2021 <i>(original 1-year appointment expired before council was fully constituted)</i>
Molly Cripps Tennessee Department of Environment and Conservation	<u>Governor</u> -- (a)(1) Designee (Ex Officio)	n/a
Jasbir Singh Dhaliwal University of Memphis	<u>Governor</u> -- (a)(2)(C) Institution of Higher Education	July 1, 2018 -- June 30, 2021
Michael Ellis Tennessee Gas Association (retired)	<u>Speaker of Senate</u> -- (a)(4)(C) Industries that provide natural gas to consumers in state	July 25, 2017 -- June 30, 2020
Ashley Fuqua State Treasurer's Office	<u>State Treasurer</u> -- (a)(5) Designee (Ex Officio)	n/a
Dr. H.M. "Hash" Hashemian Analysis & Measurement Services Corp., University of Tennessee	<u>Governor</u> -- (a)(2)(A) Energy resource extraction or energy production industries (excluding TVA; including biofuel, oil & gas, wind, coal, solar, geothermal, hydropower, nuclear industries)	July 1, 2018 through June 30, 2021 <i>(original 1-year appointment expired before council was fully constituted)</i>
Gregory Haye Local Motors	<u>Speaker of House</u> -- (a)(3)(D) Transportation-related industry (e.g., wholesalers, transportation equipment manufacturers, shipping companies, local transit authorities)	Oct. 24, 2018 -- June 30, 2019
John Kenny Facility Systems Consultants, LLC	<u>Speaker of Senate</u> - (a)(4)(D) Energy efficiency and conservation as it relates to built environment	July 20, 2017 -- June 30, 2020
A.L. (Lou) Qualls Oak Ridge National Laboratory	<u>Speaker of House</u> -- (a)(3)(A) Energy R&D industry (e.g., ORNL)	Oct. 10, 2018 -- June 30, 2019
Zachary (Zach) Sims University of Tennessee	<u>Council</u> -- (a)(6) Graduate student with expertise in energy issues	Dec. 5, 2018 -- Dec. 5, 2020
Stephen Smith Southern Alliance for Clean Energy	<u>Speaker of Senate</u> -- (a)(4)(B) Environmental group	Aug. 31, 2017 -- June 30, 2020
Brian P. Solsbee Tennessee Municipal Electric Power Association	<u>Speaker of House</u> -- (a)(3)(C) Local distribution utility	Oct. 2, 2018 -- June 30, 2019
Steve Southerland Tennessee Senate	<u>Speaker of Senate</u> -- (a)(4)(A) Residential energy user	June 15, 2017 -- June 30, 2020